HON'BLE SRI G.S.SINGHVI, THE CHIEF JUSTICE

and

HON'BLE SRI JUSTICE G.BHAVANI PRASAD

W.P.NO.16049 OF 2005

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Between:

M.Srinivas

..... Petitioner

AND

Union of India, rep by its Secretary,

Medical and Health, New Delhi and 4 others.

.....Respondents

::JUDGMENT::

Counsel for the Petitioners : Sri M.A.Shakeel

Sri A.Ramalingeshwar Rao as Amicus curie

Counsel for Respondent No. 1 : Sri A.Rajasekhar Reddy

Counsel for Respondent No. 2 : Sri S.Niranjan Reddy

Counsel for Respondent No. 3 : Sri D.V.Nagarjuna Babu

Counsel for Respondent No.4 : Sri K.Ratangapani Reddy

Counsel for Respondent No.5 : G.P. for Social Welfare.

Dated 7.2..2006

Per Sri G.S.Singhvi, CJ

This petition has been filed as a public interest litigation for quashing para 7.5 of the prospectus issued by NTR University of Health & Sciences as also Circular dated 12.5.2004 issued by the Government of India.

At the hearing, learned counsel for the petitioner submitted that at this belated stage, he will not be in a position to persuade the Court to grant relief in terms of the prayer. He further submitted that the issue relating to validity of the instructions issued by the Government of India and the Rules framed by the Medical Council of India fixing the criteria for determination of disability is under consideration before the Supreme Court and, therefore, he may be allowed to withdraw the writ petition with liberty to his client to file fresh one.

Learned counsel for the respondents say that they do not have any objection.

In view of the above, the request of the learned counsel is accepted and the writ petition is dismissed as withdrawn with liberty in terms of the prayer made.

While disposing of the writ petition, in the manner indicated above, we make it clear that the writ petitioner shall be entitled to file a fresh petition, if for the session 2006-07 similar criterion is adopted by the State Government, the Medical Council of India and the University for the purpose of admission of physically handicapped persons to medical courses.

G.S.SINGHVI, CJ

Dt.7.2.2006

G.BHAVANI PRASAD,J

Msv/vtv